

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CPS SECURITY (USA), INC. *et. al.*,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

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) Case No. 16-70488
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UNOPPOSED MOTION OF THE NATIONAL LABOR RELATIONS
BOARD
FOR A FOURTEEN-DAY EXTENSION OF TIME TO RESPOND TO
MOTION FOR FEES AND COSTS

To the Honorable, the Judges of the United States
Court of Appeals for the Ninth Circuit:

The National Labor Relations Board (“the Board”), through the undersigned counsel, respectfully moves this Court for an additional fourteen-day extension of time to submit its response to the Application for Fees and Other Expenses Pursuant to the Equal Access to Justice Act (the Application), filed by CPS Security (USA), Inc. (CPS Security) [Dkt. 30], through and until November 14, 2018. Counsel for CPS

Security has informed this office that it does not oppose the instant motion. In support of its motion, the Board states as follows:

1. On September 17, 2018 CPS Security filed its Application. *See* Dkt. 30.
2. The Board's answer or other responsive pleading to the Application was initially due to be filed on or before September 27, 2018.
3. On September 24, 2018, the undersigned counsel requested CPS Security's position on a motion by the Board seeking an extension of time to respond to the EAJA Application, due to the travel schedules of the undersigned counsel, and to allow the parties to explore a mutual interest in discussing prospects for a potential resolution of this matter without further briefing.
4. By email later that day, counsel for CPS Security represented that it did not oppose the initial request for an extension of time until October 31, 2018 to respond to CPS Security's Application.
5. On September 28, 2018 this Court granted the Board's Unopposed Motion for Extension of Time, thereby making the Board's responsive pleadings due on October 31, 2018. *See* Dkt. 37.

6. Thereafter, the parties entered into settlement discussions, and have reached an agreement in principle. However, the Board requires additional time to process the settlement through requisite administrative channels for approval.

7. On October 30, 2018, the undersigned counsel requested CPS Security's position on a motion by the Board seeking an extension of time to respond to the EAJA Application, due to the need to process approval of the settlement in principle reached between the parties through the appropriate administrative channels.

8. By email that same day, counsel for CPS Security represented that it did not oppose the Board's request for a fourteen-day extension of time until November 14, 2018 to respond to CPS Security's Application.

9. Pursuant to Federal Rule of Appellate Procedure 26(b), "[f]or good cause, the court may extend the time prescribed by these rules or by its order to perform any act, or may permit an act to be done after that time expires."

10. Based upon the good cause showing herein and lack of opposition from CPS Security, the Board respectfully requests that the

Court grant its requested fourteen-day extension of time, thereby making its responsive pleadings due on November 14, 2018.

WHEREFORE, for the reasons stated above, the Board respectfully requests that the Court grant an extension of the due date of the Board's response to CPS Security's EAJA Application through and until November 14, 2018.

Respectfully submitted,

NATIONAL LABOR RELATIONS BOARD

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Dated: October 30, 2018,
In Washington, D.C.

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that its motion contains 608 words of proportionally-spaced, 14-point type, and the word processing system used was Microsoft Word.

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CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

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